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PTO/SB/21 (02-04)

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**TRANSMITTAL  
FORM**

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Total Number of Pages in This Submission

16

Application Number

10/623,034

Filing Date

7/18/03

First Named Inventor

Fogel

Art Unit

2673

Examiner Name

Unknown

Attorney Docket Number

Digenetics-001

**ENCLOSURES (Check all that apply)**

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br>Express Mail Certificate<br>Postcard Receipt |
|--|--|---|

Remarks

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Timothy N. Ellis, Reg. No. 41,734
Signature	<i>Tim Ellis</i>
Date	August 5, 2004

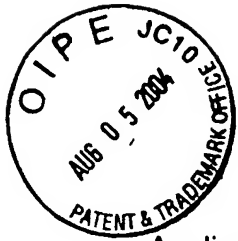
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Typed or printed name	Timothy N. Ellis, Reg. No. 41,734		
Signature	<i>Tim Ellis</i>	Date	August 5, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fogel et al.	)	Group Art Unit: 2673
	)	
Application No. 10/623,034	)	Examiner: Unknown
	)	
Confirmation No. 6459	)	
	)	
Filing Date: 7/18/03	)	
	)	
Attorney Doc. No. Digenetics-001	)	
	)	
Title: Method for presenting a	)	
virtual reality environment	)	
for an interaction	)	

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING  
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TIMOTHY N. ELLIS, REG. NO. 41,734

INFORMATION DISCLOSURE STATEMENT

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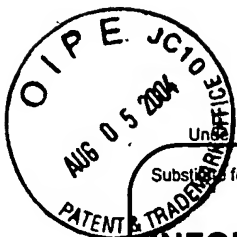
Sir:

An Information Disclosure Statement form (PTO/SB/08B), and a copy of each  
document listed on the form, are attached for the examiner's consideration.

Respectfully submitted,

Timothy N. Ellis

Timothy N. Ellis  
Reg. No. 41,734  
Attorney for Applicant



Substitute for form 1449/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

### Complete if Known

Application Number	10/623,034
Filing Date	7/18/03
First Named Inventor	Fogel
Art Unit	2673
Examiner Name	Unknown
Attorney Docket Number	Digenetics-001

Sheet	1	of	1
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### NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		FOGEL, DAVID, declaration, August 4, 2004, 4 pages plus Exhibits A, B, C, D, E, F, G, H.	
		"Evolutionary Checkers starring Blondie 24: Checkers with an Attitude!", product brochure, December 20, 2001, 1 page, Digenetics, San Diego, (Exhibit A of Fogel Declaration).	
		"Digital Strip Poker", screen shot, 1999, 1 page, Slickrock Software (www.slickrocksoftware.com), (Exhibit B of Fogel Declaration).	
		"Digital Strip Poker", screen shot, 1999, 1 page, Slickrock Software (www.slickrocksoftware.com), (Exhibit C of Fogel Declaration).	
		"Virtual Sex with Nikki Tyler", DVD Cover (front and back), 1999, 1 page, Digital Playground, Chatsworth, (Exhibit D of Fogel Declaration).	
		"Virtual Sex with Nikki Tyler", 1999, page from instruction guide, Digital Playground, Chatsworth, (Exhibit E of Fogel Declaration).	
		"Virtual Sex with Nikki Tyler", 1999, page from instruction guide, Digital Playground, Chatsworth, (Exhibit F of Fogel Declaration).	
		"My Plaything" (Sylvia Saint), screen shot, 1 page, Digital Sin, Chatsworth (www.digitalsindvd.com), (Exhibit G of Fogel Declaration).	
		"My Plaything" (Sylvia Saint), screen shot, 1 page, Digital Sin, Chatsworth (www.digitalsindvd.com), (Exhibit H of Fogel Declaration).	

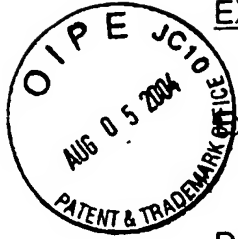
Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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EXPRESS MAIL CERTIFICATE



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Date of Deposit: August 5, 2004

Inventor: Fogel et al.

Application no. 10/623,034

Filing Date: 7/18/03

Title of Invention: Method for presenting a virtual reality environment for an interaction

Attorney Docket No. Digenetics-001

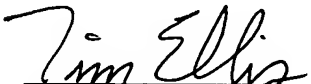
Attorney: Timothy N. Ellis

I hereby certify that the following documents:

- 1) Transmittal Form
- 2) Information Disclosure Statement (2 pages plus copies of listed documents, including Declaration of David Fogel (4 pages) plus Exhibits A-H)
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Timothy N. Ellis  
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